

REMARKS

Claims 26-72 are pending. Claims 26, 40, 54, 62 and 63 are amended. Support for these amendments can be found in the specification as filed, for example at page 3, lines 2-10 and page 5, lines 8-12. Claims 71 and 72 are new. Support for claims 71 and 72 can be found in the specification as filed, for example at page 5, lines 9-12. No new matter is added.

Claim rejections – 35 U.S.C. § 112

Claims 26, 40, 54, 62 and 63 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The Examiner asserts that the phrase “not fixably attached thereto” is not clear. Applicants have amended the phrase “not fixably attached thereto” in claims 26 and 40 to state “not fixably attached to the chamber.” Claims 54, 62, and 63 as previously presented contained the phrase “a body not fixably attached to the chamber.” Reconsideration and withdrawal of the rejection is respectfully requested.

Claim rejections – 35 U.S.C. § 102

Claims 26, 27, 30, 31, 38, 39, 54-57 and 61 are rejected under 35 U.S.C. § 102(b) as anticipated by Wu *et al.* (U.S. Patent 6,200,532).

Wu describes a device for performing a blood coagulation assay, the device comprising a disposable strip containing a chamber for holding a quantity of blood sample, a magnetic bender body in the chamber and a magnetic field generator underneath the chamber. Wu discloses that the bender 2 is attached to a piezoelectric film 3. The piezoelectric film is supported by a rigid support 4 at one end. See Wu at col. 4, ll. 60-64 and Figure 2. Therefore the piezoelectric film and the bender of Wu are fixably attached to the chamber.

In contrast to Wu, the present claims require a chamber and a body, wherein the body is not fixably attached to the chamber. As described in the specification, the body is disposed in the chamber but not fixably attached to the chamber, and is able to move in a first direction and a second direction. The specification describes exemplary embodiments of the body:

The body may be elongate. The body may have a cross-section of substantially the same shape as the cross-section of the chamber. In this case the body is preferably dimensioned in cross-section so that there is a clearance of at least 50 microns between the body and walls of the chamber. The clearance may be less than 300 microns. The cross-sectional area of the body, taken transversely to the intended direction of travel of the body within the chamber in use may be at least half that of the corresponding cross-section of the chamber. The length of the chamber and body may be chosen so that the body can move at least 0.5mm to and fro within the chamber. In one embodiment the body can move a maximum of 2mm to and fro within the chamber. The body may have a close sliding fit within the chamber. [Application as filed, page 4, lines 8-17]

The present claims also require a first magnetic device and a second magnetic device. The first and second magnetic devices are arranged in use to provide first and second magnetic fields. The first magnetic field causes the body to move in a first direction within the chamber through uncoagulated liquid, and the second magnetic field causes the body to move in a second direction within the chamber through uncoagulated liquid.

Wu does not disclose or suggest determining the coagulation status of a liquid using a body that is not fixably attached to a chamber. Wu also does not suggest a first and second magnetic device arranged to provide first and second magnetic fields. Thus Wu does not disclose or suggest every limitation of amended claims 26 and 54, and the claims dependent thereto. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim rejections – 35 U.S.C. § 103

Claims 29, 32-37, 40, 41, 43-51, 58, 59, 63-68 and 70 are rejected under 35 U.S.C. § 103(a) as unpatentable over Wu. Claims 28, 42, 60 and 62 are rejected under 35 U.S.C. § 103(a) as unpatentable over Wu in view of Griebeler (U.S. Patent 5,315,244).

The deficiencies of Wu are discussed above. Griebeler describes a magnetic sensor for use in measuring the position, velocity and/or direction of movement of an object having alternating zones of different magnetic conductivity in the direction of movement. The magnetic sensor of Griebeler includes a permanent magnet member, a pair of sensor elements mounted on the permanent magnet pole face, and a laminated flux bar having strips of ferromagnetic material and strips of ceramic material mounted on the pair of sensor elements.

Neither Wu nor Griebeler disclose or suggest determining the coagulation status of a liquid using a body not fixably attached to a chamber. Also, neither Wu nor Griebeler disclose or suggest a first and second magnetic device arranged to provide first and second magnetic fields. As such, claims 28, 29, 32-37, 40-51, 58-60, 62-68 and 70 are not obvious in view of Wu, or Wu in combination with Griebeler.

Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicants' Agent would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

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